

**-DRAFT-  
THE HIGH DESERT CORRIDOR  
JOINT POWERS AUTHORITY**

**AMENDMENT NO. 2 TO JOINT POWERS AGREEMENT**

This Amendment No. 2 to Joint Powers Agreement is made and entered into this 6<sup>th</sup> day of June, 2011, by and among the COUNTY OF LOS ANGELES, a body corporate and politic and a political subdivision of the State of California (the "State"), the COUNTY OF SAN BERNARDINO, a body corporate and politic and a political subdivision of the State, the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY and the SAN BERNARDINO ASSOCIATED GOVERNMENTS.

**RECITALS**

**WHEREAS**, the parties hereto have formed this Joint Powers Agreement ("Agreement"), in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500), as amended and supplemented from time to time (the "Act"), on November 8, 2006; and,

**WHEREAS**, the Agreement allows for amendment at any time, or from time to time, by unanimous consent of all Member Counties hereto; and,

**WHEREAS**, the parties have previously amended said Agreement through adoption of Amendment No. 1 in or about March 2007; and,

**WHEREAS**, the parties hereto desire to amend said Agreement in accordance with the terms and conditions set forth below.

**NOW THEREFORE**, the parties hereto agree as follows:

- I. **Section 2.03. Board of Directors** is amended and replaced in its entirety to read as follows:

The Authority shall be governed by a Board of Directors (Board), with each Director receiving one vote. The Board shall be comprised of eleven Directors designated as follows:

- A. San Bernardino County shall be represented by its First District Supervisor, and a second Director recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors, who must be an elected or appointed official of the City of Victorville and third and fourth Directors recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors. The third and fourth Directors must be elected or appointed officials of San Bernardino County, the City of Adelanto, or the Town of Apple Valley.
- B. Los Angeles County shall be represented by its Fifth District Supervisor, a second Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who

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**RECITALS**

**WHEREAS**, the parties hereto have formed this Joint Powers Agreement ("Agreement"), in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500), as amended and supplemented from time to time (the "Act"), on November 8, 2006; and,

**WHEREAS**, the Agreement allows for amendment at any time, or from time to time, by unanimous consent of all Member Counties hereto; and,

**WHEREAS**, the parties have previously amended said Agreement through adoption of Amendment No. 1 in or about March 2007; and,

**WHEREAS**, the parties hereto desire to amend said Agreement in accordance with the terms and conditions set forth below.

**NOW THEREFORE**, the parties hereto agree as follows:

- I. **Section 2.03. Board of Directors** is amended and replaced in its entirety to read as follows:

The Authority shall be governed by a Board of Directors (Board), with each Director receiving one vote. The Board shall be comprised of eleven Directors designated as follows:

- A. San Bernardino County shall be represented by its First District Supervisor, and a second Director recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors, who must be an elected or appointed official of the City of Victorville and third and fourth Directors recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors. The third and fourth Directors must be elected or appointed officials of San Bernardino County, the City of Adelanto, or the Town of Apple Valley.
- B. Los Angeles County shall be represented by its Fifth District Supervisor, a second Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who

must be an elected or appointed official of the City of Palmdale, a third Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who must be an elected or appointed official of the City of Lancaster and a fourth Director nominated by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors.

- C. A ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board.
- D. A tenth Director shall be appointed by action of the Los Angeles County Metropolitan Transportation Authority.
- E. An eleventh Director shall be appointed by action of the San Bernardino Associated Governments.

II. **Section 2.04. Alternates** is amended and replaced in its entirety to read as follows:

Except as provided below, each Member shall appoint an alternate ("Alternate") for each of its four Directors. The Alternate for the ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board. An Alternate may perform all functions of a Director, including voting, in the absence of the Director, unless as the respective Director limits the authority of his or her Alternate in writing filed with the Secretary. The Alternate for San Bernardino County's First District Supervisor shall be appointed by the First District Supervisor. The Alternate for Los Angeles County's Fifth District Supervisor shall be appointed by the Fifth District Supervisor. The Alternate for the tenth Director shall be appointed by action of the Los Angeles County Metropolitan Transportation Authority. The Alternate for the eleventh Director shall be appointed by action of the San Bernardino Associated Governments.

III. **Section 5.01. Creation of Committee** is amended and replaced in its entirety to read as follows:

There shall exist in the Authority a committee named the Policy and Technical Advisory Committee ("PTAC"). There shall be fourteen voting members of the PTAC who shall be appointed as follows: Three each by the Members; one each by the cities of: Adelanto, Apple Valley, Victorville, Lancaster and Palmdale; one representative for the unincorporated area of Los Angeles County appointed by the Fifth District Supervisor of Los Angeles County; one each by the Los Angeles County Metropolitan Transportation Authority and the San Bernardino Associated Governments.

IV. **Section 5.02. Other Agencies** is amended and replaced in its entirety to read as follows:

The PTAC may include other non-voting agencies that the Board may deem appropriate, including but not limited to, Caltrans.

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**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed and attested by their duly authorized officers, and their official seal to be affixed, as of the day and year written.

COUNTY OF SAN BERNARDINO

COUNTY OF LOS ANGELES

JOSIE GONZALES, Chairman  
Board of Supervisors

MICHAEL D. ANTONOVICH, MAYOR  
Board of Supervisors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

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LAURA C. WELCH, Clerk of the Board of Supervisors

SACHI A. HAMAI, Executive Officer

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

APPROVED AS TO LEGAL FORM:

JEAN RENE BASLE  
County Counsel

ANDREA ORDIN  
County Counsel

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

SAN BERNARDINO ASSOCIATED GOVERNMENTS

DON KNABE, Chair

BRAD MITZELFELT  
President, SANBAG Board of Directors

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN  
DELIVERED TO THE CHAIRMAN OF  
THE BOARD

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN  
DELIVERED TO THE PRESIDENT OF  
THE BOARD

MICHELLE JACKSON, Clerk of the Board

VICKI WATSON, Clerk of the Board

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_